

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FIRST DIVISION**

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| NEFERTITI GILBERT, ET AL., | : | CIVIL ACTION NO. 1:25-CV-00421-DDD-JPM |
| | : | |
| Plaintiffs, | : | |
| | : | |
| VS. | : | JUDGE DEE D DRELL |
| | : | |
| HARRIS COUNTY, TEXAS; ET AL. | : | |
| | : | |
| Defendants. | : | MAGISTRATE JUDGE JOSEPH H L PEREZ-MONTES |

**DEFENDANT HARRIS COUNTY, TEXAS’S 12(B)(6) MOTION
TO DISMISS FOR FAILURE TO STATE A CLAIM**

NOW INTO COURT, through undersigned counsel, come Defendant Harris County, Texas (“Harris County”), and hereby files this Motion to Dismiss for Failure to State a Claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. In support of said motion, Harris County would respectfully show the Court as follows:

I.

This lawsuit stems from the death of Jaleen Anderson (“Decedent”), who died of a seizure on April 3, 2024, while in custody at the LaSalle Correctional Center. At the time of his death, Mr. Anderson was a Harris County detainee being housed at the LaSalle Correctional Center due to overcrowding at the Harris County Jail.

II.

Plaintiffs assert Harris County breached its duty to provide people in its custody with adequate medical care. Plaintiffs bring their claims against Harris County pursuant to 42 U.S.C. §1983 for violation of Decedent’s Fourteenth Amendment Rights to the United States Constitution.

III.

Municipalities and local government agencies cannot be held liable under Section 1983 based on the doctrine of *respondeat superior*. Plaintiffs have not asserted a plausible *Monell* claim against Harris County. Plaintiffs assert only conclusory allegations of a purportedly unconstitutional custom, policy, or practice. For this reason, Harris County is entitled to dismissal of Plaintiffs' claims as a matter of law.

WHEREFORE, Defendant Harris County respectfully requests that the Court grant its motion to dismiss and issue an order dismissing Plaintiff's claims against this Defendant.

Date: May 27, 2025.

Respectfully submitted,

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HARRIS COUNTY ATTORNEY

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**ATTORNEYS FOR HARRIS COUNTY,
TEXAS and SHERIFF ED GONZALEZ**

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of May 2025, a copy of the foregoing Motion to Dismiss was filed electronically with the Clerk of the Court using the CM/ECF system, with notice to be sent by operation of the court's electronic filing system to all counsel of record.

/s/ Gregory Burnett
GREGORY BURNETT